



Paper No. 24

Osborne K. McKinney
B 1211
2301 Brazosport Boulevard
Freeport, TX 77541

In re Application of:
Bieser, *et al.*
Application No. 09/032,893
Filed: February 27, 1998
Attorney Docket No. 41824B

COPY MAILED

JAN 11 2002

**OFFICE OF PETITIONS
ON PETITION**

This is a decision on the November 20, 2001 petition under 37 C.F.R. §1.137(b) to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the nonfinal office action mailed on November 30, 2000. A shortened statutory period of three months was set for replying. Applicant attempted a reply with the May 30, 2001 filing of a CPA with a request for a three month extension of time. However, as noted in the notice mailed on June 28, 2001, this application was improper because the application was filed after May 29, 2000. Accordingly, the office treated the CPA as a request for continued examination (RCE). However, since the RCE was not accompanied by the required submission, the RCE was deemed improper. All time for replying having thus expired, the application lapsed into an abandoned state as of May 31, 2001.¹

Petitioner filed a reply to the notice on July 25, 2001. However, this reply was not considered, as the application was already in an abandoned status.

On August 15, 2001, Petitioner filed a petition to withdraw the holding of abandonment. However, that petition was denied in a decision mailed on November 5, 2001.

Petitioner then filed this petition on November 20, 2001.

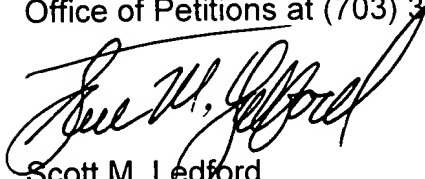
All requirements for filing a petition under 37 C.F.R. §1.137(b) have been met and the application is hereby revived.

This file is being forwarded to Technology Center 1700 for review of the amendment accompanying this petition.

Although the address given on the petition differs from the address of record, the application does not indicate that a change of address has been filed. A change of address should be filed in this case in accordance with M.P.E.P. 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

¹ See 35 U.S.C. §133, 37 C.F.R. §1.134-136.

Telephone inquiries concerning this matter may be directed to the undersigned in the Office of Petitions at (703) 306-5593.



Scott M. Ledford
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: J. Benjamin Bai
1100 Louisiana, Suite 1800
Houston, TX 77002